IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5079 of 2006

Date of Decision: 25.09.2006

Country Club (India) Limited ...Petitioner

Vs.

The Punjab State Electronics Development and Production Corporation Limited etc. ....Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.D.S.Patwalia, Advocate, for the petitioner.

Vinod K.Sharma, J. (Oral)

The present revision petition has been filed against the order declining the stay of further proceedings on the application moved by the petitioner.

The learned Arbitrator has passed an interim award on 11.7.2006 against which the petitioner herein has filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short the Act).

The contention of the learned counsel for the petitioner was that by way of interim award the dispute has been finally adjudicated and if the stay is not granted of further proceedings it would adversely affect their rights. The contention of the learned counsel for the petitioner cannot be

accepted as award/interim award would attain finality only after the objections under section 34 of the Act are decided and therefore, there is no occasion to file any application for stay.

Faced with this situation, learned counsel for the petitioner contended that the application for stay was to be read to be one under Section 9 of the Act. This contention of the learned counsel for the petitioner cannot be sustained as the stay of proceedings sought cannot be said to be one under section 9 of the Act nor can appeal be said to be one filed under section 37 of the Act. It may further be noticed that even if valuation is done as directed in the interim award the same would be part and parcel of the final award against which objections can be filed under section 34 of the Act and the same would not be enforceable till objections under section 34 of the Act are decided.

In view of this, no ground is made out for interference with the impugned order passed by the learned District Judge.

Dismissed.

Copy of the order be given dasti to the petitioner on payment of usual charges.

(Vinod K.Sharma)
Judge

25.09.2006
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